

Tonawanda Community Fund Impact Statement Project

United States v. Tonawanda Coke Corporation and Mark L. Kamholz Impact Statement Information

On February 26, 2013, the defendants, Tonawanda Coke Corporation (“Tonawanda Coke”) and its Manager of Environmental Control, Mark L. Kamholz, each proceeded to trial on a 19-count Indictment.

On March 28, 2013, the jury found Defendant Tonawanda Coke guilty of 14 felony counts and Defendant Mark Kamholz guilty of 15 felony counts. Specifically, both defendants were found guilty of Counts 1 through 5 (violations of the Clean Air Act (“CAA”) by emitting coke oven gas from an unpermitted emission source), Count 9 (violation of the CAA by operating the western quench tower without baffles), Counts 11 through 15 (violations of the CAA by operating the eastern quench tower without baffles), and Counts 17 through 19 (violations of the Resource Conservation and Recovery Act (“RCRA”)). Defendant Mark Kamholz was additionally found guilty of Count 16 (obstruction of justice).

Sentencing for both Tonawanda Coke Corporation and Mark Kamholz is set for July 15, 2013 at 9:00am before U.S. District Court Chief Judge William Skretny in the Federal Courthouse at 2 Niagara Square (9th floor), Buffalo, NY.

This was a significant trial. It is believed to be the biggest local environmental trial in years and only the second criminal prosecution nationally involving the Clean Air Act. Tonawanda Coke Corp. faces up to \$220 million in fines and Mark Kamholz faces up to 75 years in jail.

If you feel you have been harmed by the defendants’ conduct, you may submit an Impact Statement (attached) to be used for sentencing. Below are some general guidelines for preparing such a statement. Please be advised that the defendants will get a copy of your Impact Statement. The statement should be provided by July 1, 2013.

- Keep the statement as succinct and to the point as possible.
- List any impact the crime and/or the defendants’ conduct has had on you and/or your family.
- Address any thoughts about what type of sentence you feel the defendants should receive. Include anything else you feel is important for the judge to know before imposing a sentence.

You may submit your impact statement directly to:

United States Attorney's Office
Attn: Sharon Knope
138 Delaware Avenue, Buffalo, NY 14202.
(716) 843-5828, sharon.knope2@usdoj.gov

Or to Tonawanda Community Fund:

Tonawanda Community Fund
43 Wardman Rd
Kenmore, NY 14217

716-873-6191
jackiejamescreedon@gmail.com

If you feel you have been harmed by the defendants' conduct and have suffered an economic loss, you may submit a Restitution Claim to this office as part of sentencing. The Restitution Claim will then be submitted to Chief Judge Skretny for his consideration. The decision on whether to grant a Restitution Claim rests with the Judge. Please note that if you do seek restitution, you must be prepared to prove that you were directly and proximately harmed as a result of the offense. Below are some general guidelines for preparing such a claim. Please be advised that the defendants will get a copy of your Restitution Claim. All Restitution Claims should be provided by June 14, 2013.

- Describe in concise and particular terms how you have been harmed by the defendants' conduct.
- Itemize all costs incurred as a result of the defendants' conduct.
- Include supporting documentation such as bills, receipts, statements, etc for any expenses you claim.
- Describe whether any losses were covered by insurance.
- Please submit your Restitution Claim and address any questions to:

United States Attorney's Office
Attn: Sharon Knope
138 Delaware Avenue, Buffalo, NY 14202.
(716) 843-5828
sharon.knope2@usdoj.gov

Additionally, the Tonawanda Community Fund (TCF) is featuring excerpts from affected residents impact statements in a community project. The purpose of the project is to highlight the overall impact in one visual bulletin board (through the social media application Pinterest). By signing below, you are giving TCF permission to use a portion of your impact statement in our project:

Signature:_____

Name:_____

Please contact us, if you have any questions.
Tonawanda Community Fund
43 Wardman Rd
Kenmore, NY 14217

716-873-6191 or

**716-851-4052 our volunteers are available to answer questions from 10am-3pm
every Wednesday from May-August 2013**

Impact Statement

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Name(s) of those affected (optional):

Impact the crime and/or the defendants' conduct has had on you/your family:

Any thoughts on the type of sentence you feel the defendant should receive?

**Include anything else you feel is important for the judge to know before imposing a
Sentence:**